

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

HORTON HOMES, INC.,

Plaintiff,

v.

LARUE BANDY, MARIE BANDY,
PATRICK PRITCHETT, WILLIAM
SHANER, ELSIE FONDREN
AVERETTE, WILLIAM CRUTHIRDS,
and SHERRIE CRUTHIRDS,

Defendants.

CIVIL ACTION NO.
2:07-CV-506-MEF

NOTICE OF FILING
DECLARATION OF HERMAN ('JERRY') HATTON IN SUPPORT OF
PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION TO COMPEL

COMES NOW Plaintiff Horton Homes, Inc., and hereby gives notice of its filing the "Declaration of Herman ('Jerry') Hatton" In Support of Plaintiff's Opposition to Defendants' Motion to Compel" attached hereto as Exhibit "A".

Dated this 6th day of March, 2008.

By: 

JAMES L. PAUL

Georgia Bar No. 567600

THOMAS C. GRANT

Georgia Bar No. 297455

(Admitted Pro Hac Vice)

Counsel for Plaintiff Horton Homes, Inc.

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EXHIBIT "A"
TO
NOTICE OF FILING
DECLARATION OF HERMAN ('JERRY') HATTON IN SUPPORT OF
PLAINTIFF'S
OPPOSITION TO DEFENDANTS' MOTION TO COMPEL

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HORTON HOMES, INC.,)

Plaintiff,)

v.)

LARUE BANDY, MARIE BANDY,)
PATRICK PRITCHETT, WILLIAM)
SHANER, ELSIE FONDREN)
AVERETTE, WILLIAM CRUTHIRDS,)
and SHERRIE CRUTHIRDS,)

Defendants.)

CIVIL ACTION NO.
2:07-CV-506-MEF

DECLARATION OF HERMAN ("JERRY") HATTON
PURSUANT TO 28 U.S.C. § 1746

NOW COMES HERMAN ("JERRY") HATTON, who makes the following Declaration under penalty of perjury

1.

My name is Herman ("Jerry") Hatton. I am over twenty-one years of age and am competent to make this Declaration.

2.

I am making this Declaration in support of Plaintiff Horton Homes, Inc.'s Brief in opposition to the Motion to Compel that Defendants have filed in the case referenced above.

3.

I am making this Declaration based on my own personal knowledge.

4.

I am a former employee of H&S Homes, LLC ("H&S Homes").

5.

In the Spring of 2006, while I was employed by H&S Homes, I was asked to gather and transport documents that attorneys Frank Hawthorne and Randy Meyer had asked to review in connection with a case that they had filed.

6.

For this review, I gathered twenty-seven banker's boxes containing sales folders relating to the sale of manufactured homes built by Horton Homes, Inc. and sold by H&S Homes to retail customers.

7.

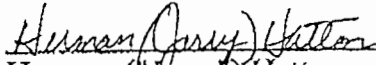
In the Spring of 2006, I transported these twenty-seven boxes of documents to a conference room at a branch of the People's Bank located in Eatonton, Georgia, where I supervised the inspection of these documents by attorneys Frank Hawthorne and Randy Meyer.

8.

After attorneys Frank Hawthorne and Randy Meyer completed their inspection of these documents, they requested copies of approximately 100 particular sales folders. I then arranged to have these folders copied at a nearby duplication service located in Madison, Georgia, called "Copy Corner".

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 5 day of March, 2008.


Herman (Jerry) Hatton

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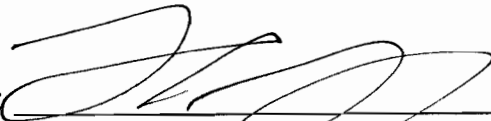
CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date served a true and correct copy of the within and foregoing "Notice of Filing Declaration of Herman ("Jerry") Hatton In Support of Plaintiff's Opposition to Defendants' Motion to Compel" on the following parties, through the Court's CM/ECF system and by manner of service as indicated below, in properly addressed envelopes, with adequate postage affixed thereon, as necessary, addressed as follows:

Michael S. Harper
213 Barnett Boulevard
P.O. Box 780608
Tallasse, Alabama 36078
(Via Certified Mail, RRR #7007 0710 0002 1405 7205)

Frank H. Hawthorne, Jr.
Randy A. Myers
Hawthorne & Myers LLC
322 Alabama Street
Montgomery, Alabama 36104
(Via Certified Mail, RRR #7007 0710 0002 1405 7212)

Dated this 6th day of March, 2008.

By: 
JAMES L. PAUL
Georgia Bar No. 567600
THOMAS C. GRANT
Georgia Bar No. 297455
(Admitted Pro Hac Vice)

Co-Counsel for Plaintiff Horton Homes, Inc.

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